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J. Fralick
Attorney for Applicants

PATENT
Docket No. 3282.2.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Fralick et al.)
Serial No.: 10/782,733) Group Art
Filed: February 19, 2004) Unit: 3737
For: BIO-PHOTONIC FEEDBACK CONTROL SOFTWARE)
AND DATABASE)

STATEMENT OF FACT AND PETITION UNDER 37 C.F.R. § 1.47
TO FILE AN APPLICATION WHEN THE
NONSIGNING JOINT INVENTOR REFUSES TO SIGN

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 1.47(a), applicant hereby petitions for filing of United States Patent Application Serial No. 10/782,733, when the nonsigning joint inventor refuses to join in an application for patent. Enclosed is Form PTO-2038 authorizing credit card payment in the amount of One Thousand One Hundred Fifty-Six Dollars (\$1,156.00) is enclosed herewith. One Hundred Thirty Dollars (\$130.00) of the payment is to cover the fees associated with this Petition, as set forth in 37 C.F.R. § 1.17(h).

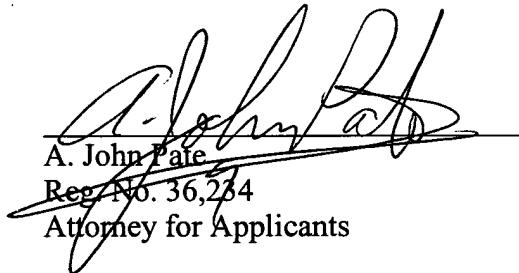
We located and contacted the inventor Marvin Distel. He has informed us and acknowledged that he had an employee agreement in which all intellectual property rights belong
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to NuSkin International, Inc., the assignee in this case. He acknowledged that they own all right, title, and interest in the invention. He affirmatively declined to sign the required documents indicating that NuSkin International, Inc. does not need him to establish ownership at this point, and he chooses to refuse to sign.

The nonsigning inventor's last known address was 834 East 300 South, Spanish Fork, Utah 84660, but he is now residing in Albuquerque, New Mexico.

In view of the foregoing, applicant respectfully requests that this Petition to File an Application when a Nonsigning Joint Inventor Refuses to Sign be granted.

Respectfully submitted,



A. John Pate
Reg. No. 36,234
Attorney for Applicants

Date: July 13, 2004

PATE PIERCE & BAIRD
Parkside Tower
215 South State Street, Suite 550
Salt Lake City, Utah 84111
Telephone: (801) 530-0330